

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

X ONE, INC.,  
Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
Defendant.

Case No. 16-cv-06050-LHK (SVK)

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL**

Re: Dkt. Nos. 136, 139

**I. INTRODUCTION**

In this action, Plaintiff X One, Inc. ("X One") asserts that Defendant Uber Technologies, Inc. ("Uber") infringes U.S. Patent No. 8,798,593 ("the '593 Patent") and U.S. Patent No. 8,798,647 ("the '647 Patent"). In particular, X One alleges that Uber's app and Uber's ride-sharing, car-pooling and delivery services infringe the '593 and '647 Patents. *See* ECF 1.

Before the Court is one of three joint discovery letters filed by the Parties within three business days of each other. This order addresses the Parties' May 14, 2019 joint discovery letter in which X One moves to compel Uber to (1) serve amended responses to X One's third set of interrogatories ("Interrogatories Nos. 9–20") and (2) complete its supplemental production in response to X-One's third set of requests for production ("RFPs Nos. 52–75"). ECF 139.<sup>1</sup> Uber has committed to both tasks, but the Parties dispute the timing of Uber's supplemental responses and production. *Id.* Uber proposes that it serve supplemental responses to X One's Interrogatories Nos. 9–20 by May 17, 2019, and that it substantially completes its production in response to RFPs

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<sup>1</sup> On May 13, 2019, X One filed a non-final version of the Parties' joint letter. ECF 136. The Parties informed the Court of this error and filed a corrected version of the letter on May 14, 2019. ECF 139. Accordingly, the Court finds that the Parties' May 13, 2019 joint discovery letter (ECF 136) is **MOOT**.

No. 52–75 by May 24, 2019. *Id.* at 5. X One contends that those dates prejudice X One: (1) by denying X One the opportunity to use Uber’s responses to help it provide source code citations in response to Uber’s Interrogatory No. 11<sup>2</sup> and (2) by denying X One sufficient time to properly analyze Uber’s responses and documents, address any remaining issues and prepare for depositions. *Id.* at 2.

Pursuant to Civil Local Rule 7-1(b), the Court finds this matter suitable for disposition without oral argument. As set forth below, the Court **GRANTS IN PART** and **DENIES IN PART** X One’s motion to compel dates certain.

## II. DISCUSSION

### A. X One’s Interrogatories Nos. 9–20

X One’s motion to compel is untimely. X One seeks to compel Uber to serve supplemental responses to its Interrogatories Nos. 9–20 and RFPs Nos. 52–75 by May 10, 2019, but X One did not file this joint discovery letter until May 14, 2019. Uber’s commitment to providing supplemental interrogatory responses by May 17, 2019, is reasonable in light of the timing of X One’s motion to compel. Accordingly, by **May 17, 2019 at 12:00 p.m.**, Uber shall serve supplemental responses to X One’s Interrogatories Nos. 9–20.

### B. X One’s RFPs Nos. 52–75

X One served its RFPs Nos. 52–75 on March 20, 2019, and Uber served its initial responses on April 19, 2019. ECF 139-2; ECF 139-4. In the joint discovery letter, Uber does not challenge the appropriateness of X One’s RFPs Nos. 52–75. ECF 139 at 5. The only justification Uber appears to offer for its delay in producing responsive documents is the number of documents it must review. *Id.* While this justifies some delay, it does not provide good cause for delaying production until May 24, 2019—only four business days before the May 31, 2019 close of fact discovery. ECF 96. Accordingly, by **May 21, 2019**, Uber shall complete its supplemental production in response to X One’s RFPs Nos. 52–75.

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<sup>2</sup> The Court previously ordered X One to produce a further response to Uber’s Interrogatory No. 11 by May 15, 2019. ECF 128.

In sum, the Court **ORDERS** as follows:

- SO ORDERED.**

Susann van Kuel

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